Applicants respectfully request entry of the following amendments and remarks in response to the Office Action mailed March 31, 2008. Applicants respectfully submit that the amendments and remarks contained herein place the instant application in condition for allowance.

Upon entry of the amendments in this response, claims 1, 6, 11 – 14, 16, 17 and 19 – 39 are pending. In particular, Applicants add claim 39 and amend claims 1, 6, 23 – 25, and 30 – 32. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

I.   Rejections Under 35 U.S.C. §112

The Office Action indicates that claims 30 and 32 stand rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. In an effort to address the Examiner's concerns and expedite prosecution, Applicants amend claims 30 and 32. Applicants submit that claims 30 and 32, as amended, comply with all the requirements of 35 U.S.C. §112.

II.   Response to Office Action Remarks

In a previous response, Applicants argued that *Shipp* not only fails to disclose, teach, or suggest all of the elements of claims 1, 6, 23 – 25, and 30 – 32, but that *Shipp* teaches away from elements that include tokenizing an attachment. More specifically, *Shipp* discloses "[t]he invention is to weed out candidates for logging so that the normal mail is not logged. This reduces the burden on the database 23, and improves performance... A simplistic algorithm would be: If mail contains attachments, do not log (spam mail currently does not contain attachments)" (page 3, paragraphs [0080] – [0081]). Applicants argued that, as illustrated in this passage, *Shipp* asserts that spam does not contain attachments, and thus, an email that

12

includes an attachment can automatically be labeled as being "normal mail." Therefore, if an email was automatically determined to be legitimate if the message includes an attachment, it would be counterproductive to tokenize the attachment.

In response, the Office Action asserts that because *Shipp* states that "spam mail **_currently_** does not contain attachments… [*Shipp*] anticipates that spam emails not containing attachments may change in the future" (OA page 2, element 3). Applicants respectfully disagree. In fact, the Office Action further proves Applicants' point. More specifically, by allegedly anticipating that spam email may contain attachments and by disclosing only that email with attachments are not even logged as potential spam, *Shipp* clearly contemplates a scenario where spam includes attachments. Consequently, *Shipp* teaches away from tokenizing the attachment by specifically choosing to not log such emails as spam. Accordingly, Applicants refresh the argument that *Shipp* is an improper reference for rejection of these claims and should be removed from consideration.

III. Rejections Under 35 U.S.C. §103

A. Claim 1 is Allowable Over *Shipp* in view of *Devine* further in view of *Milliken* further in view of *Anderson* further in view of *Uunencode* further in view of *Gordon* further in view of *Sahami*

The Office Action indicates that claim 1 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Publication Number 2004/0093384 (*"Shipp"*) in view of U.S. Patent Number 6,968,571 (*"Devine"*) further in view of U.S. Patent Publication Number 2004/0073617 (*"Milliken"*) further in view of U.S. Patent Publication Number 2004/0064537 (*"Anderson"*) further in view of Uuencoade and MIME FAQ (*"Uunencode"*), further in view of U.S. Patent Number 6,732,157 (*"Gordon"*), further in view of A Bayesian Approach to Filtering Junk E-Mail (*"Sahami"*). Applicants respectfully traverse this rejection for at least the reason that *Shipp* in view of *Devine,* further in view of *Milliken,* further in view of *Anderson*, further in view of *Uunencode*, further in view of *Gordon*, further in view of *Sahami*

fails to disclose, teach, or suggest all of the elements of claim 1. More specifically, claim 1 recites:

> A method comprising:
> (A)   receiving an email message from a simple mail transfer protocol (SMTP) server, the email message comprising:
> (A1)   a 32-bit string indicative of the length of the email message;
> (A2)   a text body;
> (A3)   an SMTP email address;
> (A4)   a domain name corresponding to the SMTP email address;
> (A5)   an attachment;
> (B)   tokenizing the text body to generate tokens representative of words in the text;
> (C)   tokenizing the SMTP email address to generate a token representative of the SMTP email address;
> (D)   tokenizing the domain name to generate a token that is representative domain name;
> (E)   tokenizing the attachment to generate a token that is representative of the attachment, wherein tokenizing comprises:
> (E1)   generating a 128-bit MD5 hash of the attachment;
> (E2)   appending the 32-bit string to the generated MD5 hash to produce a 160-bit number; and
> (E3)   UUencoding the 160-bit number to generate the token representative of the attachment;
> (F)   determining a probability value for each of the generated tokens;
> (G)   ***sorting the generated tokens in accordance with the corresponding determined spam probability value***;
> (H)   selecting a predefined number of interesting tokens, the interesting tokens being the generated tokens having the greatest non-neutral probability values;
> (I)   performing a Bayesian analysis on the selected interesting tokens to generate a spam probability; and
> (J)   categorizing the email message as a function of the generated spam probability.
> ***(Emphasis added).***

Applicants respectfully submit that claim 1, as amended, is allowable over the cited art for at least the reason that none of *Shipp*, *Devine, Milliken, Anderson, Uunencode, Gordon*, and *Sahami*, taken alone or in combination, discloses, teaches, or suggests a "method comprising… ***sorting the generated tokens in accordance with the corresponding determined spam probability value***" as recited in claim 1, as amended. More specifically, in addition to the arguments made above with regard to *Shipp*, Applicants respectfully submit that *Shipp*

discloses "each mail is analysed primarily at the container level, and if likely to be spam, logged. If similar emails are detected, then the system eventually determines the emails are in fact spam, and all future matching emails are stopped" (paragraph [0014]). However, *Shipp* fails to even suggest "***sorting the generated tokens in accordance with the corresponding determined spam probability value***" as recited in claim 1, as amended.

Additionally, *Devine* fails to overcome the deficiencies of *Shipp*. More specifically, *Devine* discloses a "series of security protocols and an integrated system for the same that enables a user to interface with one or more application services provided by remote servers over the public internet, or an enterprise extranet" (column 2, line 58). However, *Devine* fails to even suggest "***sorting the generated tokens in accordance with the corresponding determined spam probability value***" as recited in claim 1, as amended.

Additionally, *Milliken* fails to overcome the deficiencies of *Shipp* and *Devine*. More specifically, *Milliken* discloses a "method for detecting transmission of potentially unwanted e-mail messages is provided. The method includes receiving e-mail messages and generating hash values based on one or more portions of the e-mail messages" (paragraph [0010]). However, *Milliken* fails to even suggest "***sorting the generated tokens in accordance with the corresponding determined spam probability value***" as recited in claim 1, as amended.

Additionally, *Anderson* fails to overcome the deficiencies of *Shipp*, *Devine*, and *Milliken*. More specifically, *Anderson* discloses "data payloads containing the identified network transmission items are selectively transmitted on an internal destination node within an internal network" (page 7, paragraph [0076]). Applicants respectfully submit however, that *Anderson* fails to even suggest "***sorting the generated tokens in accordance with the corresponding determined spam probability value***" as recited in claim 1, as amended.

Additionally, *Uuencode* fails to overcome the deficiencies of *Shipp*, *Devine*, *Milliken*, and *Anderson*. More specifically, *Uuencode* discloses converting a binary file on an ASCII or text file so it can be sent as an attachment to an email message or downloaded from a newsgroup"

(page 1, line 14). However, *Uuencode* fails to suggest "**sorting the generated tokens in accordance with the corresponding determined spam probability value**" as recited in claim 1, as amended.

Additionally, *Gordon* fails to overcome the deficiencies of *Shipp*, *Devine*, *Milliken*, *Anderson*, and *Uuencode*. More specifically, *Gordon* discloses "a probability associated with each of the <u>words and/or groups of words</u> [in an email message] is determined using the Bayes rules database" (<u>emphasis added</u>, column, 11, line 27). First, to reiterate a previously presented argument, Applicants submit that this passage of *Gordon* indicates that *Gordon* fails to even suggest "**determining a probability value for each of the generated tokens**" as recited in claim 1. The Office Action argues that "the Examiner never argued or cited art to teach that 'determining a probability associated with words' was similar to 'performing actions to tokenize an attachment' (OA page 4, element 7). However, the Office action does reject this portion of claim 1 with the blanket statement "Shipp in view of Devine, Milliken, Anderson, and Uuencode and MIME FAQ do not show determining a probability value for each of the generated tokens. Gordon shows determining a probability value for each of the generated tokens (col. 11, lines 16 – 55)" (OA page 10, fourth line from bottom). As is evident, the passage cited from *Gordon* falls within the 50 lines of text cited by the Office Action. Further, as is also evident from this passage, *Gordon* only teaches or suggests determining a probability of words or groups of words. Nowhere does *Gordon* even suggest "**determining a probability value for each of the generated tokens**" as recited in claim 1. Further, in neglecting to address this issue in any detail, the Office Action fails to provide a proper rejection pursuant to 37 CFR 1.104(b), which states "The examiners action will be complete as to all matters…" Further, as indicated with the previously cited passage *Gordon* fails to also disclose "**sorting the generated tokens in accordance with the corresponding determined spam probability value**" as recited in claim 1, as amended.

Additionally, *Sahami* fails to overcome the deficiencies of *Shipp*, *Devine*, *Milliken*, *Anderson*, *Uuencode*, and *Gordon*. More specifically, *Sahami* discloses "[determining] whether a message has attached documents (most junk E-mail does not have them)... [is] also [a] powerful distinguisher between junk and legitimate E-mail" (page 3, right column, last paragraph). However, *Sahami* fails to even suggest "***sorting the generated tokens in accordance with the corresponding determined spam probability value***" as recited in claim 1, as amended. For at least these reasons, claim 1 is allowable. For at least this reason, claim 1, as amended, is allowable.

B. Claim 6 is Allowable Over *Shipp* in view of *Milliken*

The Office Action indicates that claim 6 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Publication Number 2004/0093384 ("*Shipp*") in view of U.S. Patent Publication Number 2004/0073617 ("*Milliken*"). Applicants respectfully traverse this rejection for at least the reason that *Shipp* in view of *Milliken* fails to disclose, teach, or suggest all of the elements of claim 6. More specifically, claim 6 recites:

> A method comprising:
> receiving an email message comprising a text body, an SMTP email address, an attachment, and a domain name corresponding to the SMTP email address;
> tokenizing the SMTP email address to generate a token representative of the SMTP email address;
> tokenizing the attachment to generate a token that is representative of the attachment;
> tokenizing the domain name to generate a token representative of the domain name;
> determining a spam probability value from the generated tokens; and
> ***sorting the generated tokens in accordance with the corresponding determined spam probability value.***
> ***(Emphasis added).***

Applicants respectfully submit that claim 6, as amended, is allowable over the cited art for at least the reason that neither *Shipp* nor *Milliken*, taken alone or in combination, discloses, teaches, or suggests a "method comprising... ***sorting the generated tokens in accordance***

with the corresponding determined spam probability value" as recited in claim 6, as

amended. More specifically, in addition to the arguments made above with regard to *Shipp*,

Applicants respectfully submit that *Shipp* discloses "each mail is analysed primarily at the

container level, and if likely to be spam, logged. If similar emails are detected, then the system

eventually determines the emails are in fact spam, and all future matching emails are stopped"

(paragraph [0014]). However, *Shipp* fails to even suggest "*sorting the generated tokens in

accordance with the corresponding determined spam probability value*" as recited in claim

6, as amended.

Additionally, *Milliken* fails to overcome the deficiencies of *Shipp* and *Devine*. More

specifically, *Milliken* discloses a "method for detecting transmission of potentially unwanted e-

mail messages is provided. The method includes receiving e-mail messages and generating

hash values based on one or more portions of the e-mail messages" (paragraph [0010]).

However, *Milliken* fails to even suggest "*sorting the generated tokens in accordance with

the corresponding determined spam probability value*" as recited in claim 6, as amended.

For at least this reason, claim 6, as amended, is allowable.

C.   **Claim 23 is Allowable Over *Shipp* in view of *Milliken***

The Office Action indicates that claim 23 stands rejected under 35 U.S.C. §103(a) as

allegedly being unpatentable over U.S. Patent Publication Number 2004/0093384 ("*Shipp*") in

view of U.S. Patent Publication Number 2004/0073617 ("*Milliken*"). Applicants respectfully

traverse this rejection for at least the reason that *Shipp* in view of *Milliken* fails to disclose,

teach, or suggest all of the elements of claim 23. More specifically, claim 23 recites:

> A system comprising:
> email receive logic configured to receive an email
> message comprising an SMTP email address, a domain name
> corresponding to the SMTP email address, and an attachment;
> tokenize logic configured to tokenize the SMTP email
> address to generate a token representative of the SMTP email
> address;

18

> tokenize logic configured to tokenize the attachment to
> generate a token that is representative of the attachment;
> tokenize logic configured to tokenize the domain name to
> generate a token representative of the domain name;
> analysis logic configured to determine a spam probability
> value from the generated tokens; and
> ***sorting logic configured to sort the generated tokens
> in accordance with the corresponding determined spam
> probability value.***
> ***(Emphasis added)***

Applicants respectfully submit that claim 23, as amended, is allowable over the cited art for at least the reason that neither *Shipp* nor *Milliken*, taken alone or in combination, discloses, teaches, or suggests a "system comprising… ***sorting logic configured to sort the generated tokens in accordance with the corresponding determined spam probability value***" as recited in claim 23, as amended. More specifically, in addition to the arguments made above with regard to *Shipp*, Applicants respectfully submit that *Shipp* discloses "each mail is analysed primarily at the container level, and if likely to be spam, logged. If similar emails are detected, then the system eventually determines the emails are in fact spam, and all future matching emails are stopped" (paragraph [0014]). However, *Shipp* fails to even suggest "***sorting logic configured to sort the generated tokens in accordance with the corresponding determined spam probability value***" as recited in claim 23, as amended.

Additionally, *Milliken* fails to overcome the deficiencies of *Shipp* and *Devine*. More specifically, *Milliken* discloses a "method for detecting transmission of potentially unwanted e-mail messages is provided. The method includes receiving e-mail messages and generating hash values based on one or more portions of the e-mail messages" (paragraph [0010]). However, *Milliken* fails to even suggest "***sorting logic configured to sort the generated tokens in accordance with the corresponding determined spam probability value***" as recited in claim 23, as amended. For at least this reason, claim 23, as amended, is allowable.

D.   Claim 24 is Allowable Over *Shipp* in view of *Milliken*

The Office Action indicates that claim 24 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Publication Number 2004/0093384 ("*Shipp*") in view of U.S. Patent Publication Number 2004/0073617 ("*Milliken*"). Applicants respectfully traverse this rejection for at least the reason that *Shipp* in view of *Milliken* fails to disclose, teach, or suggest all of the elements of claim 24. More specifically, claim 24 recites:

> A system comprising:
> means for receiving an email message comprising an SMTP email address, a domain name corresponding to the SMTP email address, and an attachment;
> means for tokenizing the SMTP email address to generate a token representative of the SMTP email address;
> means for tokenizing the attachment to generate a token that is representative of the attachment;
> means for tokenizing the domain name to generate a token representative of the domain name;
> means for determining a spam probability value from the generated tokens; and
> **means for sorting the generated tokens in accordance with the corresponding determined spam probability value.**
> ***(Emphasis added).***

Applicants respectfully submit that claim 24, as amended, is allowable over the cited art for at least the reason that neither *Shipp* nor *Milliken*, taken alone or in combination, discloses, teaches, or suggests a "system comprising... ***means for sorting the generated tokens in accordance with the corresponding determined spam probability value***" as recited in claim 24, as amended. More specifically, in addition to the arguments made above with regard to *Shipp*, Applicants respectfully submit that *Shipp* discloses "each mail is analysed primarily at the container level, and if likely to be spam, logged. If similar emails are detected, then the system eventually determines the emails are in fact spam, and all future matching emails are stopped" (paragraph [0014]). However, *Shipp* fails to even suggest "***means for sorting the generated tokens in accordance with the corresponding determined spam probability value***" as recited in claim 24, as amended.

Additionally, *Milliken* fails to overcome the deficiencies of *Shipp* and *Devine*. More specifically, *Milliken* discloses a "method for detecting transmission of potentially unwanted e-

20

mail messages is provided. The method includes receiving e-mail messages and generating hash values based on one or more portions of the e-mail messages" (paragraph [0010]). However, *Milliken* fails to even suggest "***means for sorting the generated tokens in accordance with the corresponding determined spam probability value***" as recited in claim 24, as amended. For at least this reason, claim 24, as amended, is allowable.

E.   Claim 25 is Allowable Over *Shipp* in view of *Milliken*

The Office Action indicates that claim 25 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Publication Number 2004/0093384 ("*Shipp*") in view of U.S. Patent Publication Number 2004/0073617 ("*Milliken*"). Applicants respectfully traverse this rejection for at least the reason that *Shipp* in view of *Milliken]* fails to disclose, teach, or suggest all of the elements of claim 25. More specifically, claim 25 recites:

> A computer-readable medium comprising:
> computer-readable code adapted to instruct a programmable device to receive an email message comprising an SMTP email address, a domain name corresponding to the SMTP email address, and an attachment;
> computer-readable code adapted to instruct a programmable device to tokenize the SMTP email address to generate a token representative of the SMTP email address;
> computer-readable code adapted to instruct a programmable device to tokenize the attachment to generate a token that is representative of the attachment;
> computer-readable code adapted to instruct a programmable device to tokenize the domain name to generate a token representative of the domain name; ~~and~~
> computer-readable code adapted to instruct a programmable device to determine a spam probability <u>value</u> from the generated tokens; and
> ***computer-readable code adapted to instruct a programmable device to sort the generated tokens in accordance with the corresponding determined spam probability value.***
> *(Emphasis added).*

Applicants respectfully submit that claim 25, as amended, is allowable over the cited art for at least the reason that neither *Shipp* nor *Milliken*, taken alone or in combination, discloses,

teaches, or suggests a "computer-readable medium comprising... **computer-readable code adapted to instruct a programmable device to sort the generated tokens in accordance with the corresponding determined spam probability value**" as recited in claim 25, as amended. More specifically, in addition to the arguments made above with regard to *Shipp*, Applicants respectfully submit that *Shipp* discloses "each mail is analysed primarily at the container level, and if likely to be spam, logged. If similar emails are detected, then the system eventually determines the emails are in fact spam, and all future matching emails are stopped" (paragraph [0014]). However, *Shipp* fails to even suggest "**computer-readable code adapted to instruct a programmable device to sort the generated tokens in accordance with the corresponding determined spam probability value**" as recited in claim 25, as amended.

Additionally, *Milliken* fails to overcome the deficiencies of *Shipp* and *Devine*. More specifically, *Milliken* discloses a "method for detecting transmission of potentially unwanted e-mail messages is provided. The method includes receiving e-mail messages and generating hash values based on one or more portions of the e-mail messages" (paragraph [0010]). However, *Milliken* fails to even suggest "**computer-readable code adapted to instruct a programmable device to sort the generated tokens in accordance with the corresponding determined spam probability value**" as recited in claim 25, as amended. For at least this reason, claim 25, as amended, is allowable.

F. **Claim 30 is Allowable Over *Shipp* in view of *Milliken***

The Office Action indicates that claim 30 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Publication Number 2004/0093384 ("*Shipp*") in view of U.S. Patent Publication Number 2004/0073617 ("*Milliken*"). Applicants respectfully traverse this rejection for at least the reason that *Shipp* in view of *Milliken* fails to disclose, teach, or suggest all of the elements of claim 30. More specifically, claim 30 recites:

A system comprising:

          email receive logic configured to receive an email
message comprising an attachment;
          tokenize logic configured to tokenize the attachment to
generate a token representative of the attachment;
          analysis logic configured to determine a spam probability
value from the generated token; and
          ***sort logic configured to sort the generated tokens in
accordance with the corresponding spam probability value***. ***(Emphasis added).***

Applicants respectfully submit that claim 30, as amended, is allowable over the cited art

for at least the reason that neither *Shipp* nor *Milliken*, taken alone or in combination, discloses,

teaches, or suggests a "system comprising… ***sort logic configured to sort the generated***

tokens in accordance with the corresponding spam probability value" as recited in claim

30, as amended. More specifically, in addition to the arguments made above with regard to

Shipp, Applicants respectfully submit that *Shipp* discloses "each mail is analysed primarily at the

container level, and if likely to be spam, logged. If similar emails are detected, then the system

eventually determines the emails are in fact spam, and all future matching emails are stopped"

(paragraph [0014]). However, *Shipp* fails to even suggest "***sort logic configured to sort the***

generated tokens in accordance with the corresponding spam probability value" as

recited in claim 30, as amended.

Additionally, *Milliken* fails to overcome the deficiencies of *Shipp* and *Devine*. More

specifically, *Milliken* discloses a "method for detecting transmission of potentially unwanted e-

mail messages is provided. The method includes receiving e-mail messages and generating

hash values based on one or more portions of the e-mail messages" (paragraph [0010]).

However, *Milliken* fails to even suggest "***sort logic configured to sort the generated tokens***

in accordance with the corresponding spam probability value" as recited in claim 30, as

amended. For at least this reason, claim 30, as amended, is allowable.

G.   Claim 31 is Allowable Over *Shipp* in view of *Milliken*

The Office Action indicates that claim 31 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Publication Number 2004/0093384 ("*Shipp*") in view of U.S. Patent Publication Number 2004/0073617 ("*Milliken*"). Applicants respectfully traverse this rejection for at least the reason that *Shipp* in view of *Milliken* fails to disclose, teach, or suggest all of the elements of claim 31. More specifically, claim 31 recites:

> A system comprising:
> means for receiving an email message comprising an attachment;
> means for tokenizing the attachment to generate a token representative of the attachment;
> means for determining a spam probability value from the generated token; and
> **means for sorting the generated tokens in accordance with the corresponding determined spam probability value**.
> **(Emphasis added).**

Applicants respectfully submit that claim 31, as amended, is allowable over the cited art for at least the reason that neither *Shipp* nor *Milliken*, taken alone or in combination, discloses, teaches, or suggests a "system comprising... **means for sorting the generated tokens in accordance with the corresponding determined spam probability value**" as recited in claim 31, as amended. More specifically, in addition to the arguments made above with regard to *Shipp*, Applicants respectfully submit that *Shipp* discloses "each mail is analysed primarily at the container level, and if likely to be spam, logged. If similar emails are detected, then the system eventually determines the emails are in fact spam, and all future matching emails are stopped" (paragraph [0014]). However, *Shipp* fails to even suggest "**means for sorting the generated tokens in accordance with the corresponding determined spam probability value**" as recited in claim 31, as amended.

Additionally, *Milliken* fails to overcome the deficiencies of *Shipp* and *Devine*. More specifically, *Milliken* discloses a "method for detecting transmission of potentially unwanted e-mail messages is provided. The method includes receiving e-mail messages and generating hash values based on one or more portions of the e-mail messages" (paragraph [0010]).

However, *Milliken* fails to even suggest "***means for sorting the generated tokens in***

accordance with the corresponding determined spam probability value" as recited in claim

31, as amended. For at least this reason, claim 31, as amended, is allowable.

H.   Claim 32 is Allowable Over *Shipp* in view of *Milliken*

The Office Action indicates that claim 32 stands rejected under 35 U.S.C. §103(a) as

allegedly being unpatentable over U.S. Patent Publication Number 2004/0093384 ("*Shipp*") in

view of U.S. Patent Publication Number 2004/0073617 ("*Milliken*"). Applicants respectfully

traverse this rejection for at least the reason that *Shipp* in view of *Milliken* fails to disclose,

teach, or suggest all of the elements of claim 32. More specifically, claim 32 recites:

> A computer-readable medium comprising:
> computer-readable   code   adapted   to   instruct   a
> programmable device to receive an email message comprising an
> attachment;
> computer-readable   code   adapted   to   instruct   a
> programmable device to tokenize the attachment to generate a
> token representative of the attachment;
> computer-readable   code   adapted   to   instruct   a
> programmable device to determine a spam probability value from
> the generated- token; and
> **computer-readable   code   adapted   to   instruct   a**
> **programmable device to sort the generated tokens in**
> **accordance   with   the   corresponding   determined   spam**
> **probability value**.
> *(Emphasis added).*

Applicants respectfully submit that claim 32, as amended, is allowable over the cited art

for at least the reason that neither *Shipp* nor *Milliken*, taken alone or in combination, discloses,

teaches, or suggests a "computer-readable medium comprising... ***computer-readable code***

adapted to instruct a programmable device to sort the generated tokens in accordance

with the corresponding determined spam probability value" as recited in claim 32, as

amended. More specifically, in addition to the arguments made above with regard to *Shipp*,

Applicants respectfully submit that *Shipp* discloses "each mail is analysed primarily at the

container level, and if likely to be spam, logged. If similar emails are detected, then the system

eventually determines the emails are in fact spam, and all future matching emails are stopped" (paragraph [0014]). However, *Shipp* fails to even suggest "***computer-readable code adapted to instruct a programmable device to sort the generated tokens in accordance with the corresponding determined spam probability value***" as recited in claim 32, as amended.

Additionally, *Milliken* fails to overcome the deficiencies of *Shipp* and *Devine*. More specifically, *Milliken* discloses a "method for detecting transmission of potentially unwanted e-mail messages is provided. The method includes receiving e-mail messages and generating hash values based on one or more portions of the e-mail messages" (paragraph [0010]). However, *Milliken* fails to even suggest "***computer-readable code adapted to instruct a programmable device to sort the generated tokens in accordance with the corresponding determined spam probability value***" as recited in claim 32, as amended. For at least this reason, claim 32, as amended, is allowable.

I.   <u>Claims 16 – 17 and 33 – 34 are Allowable Over *Shipp* in view of *Milliken*</u>

The Office Action indicates that claims 16 – 17 and 33 – 34 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Publication Number 2004/0093384 ("*Shipp*") in view of U.S. Patent Publication Number 2004/0073617 ("*Milliken*"). Applicants respectfully traverse this rejection for at least the reason that *Shipp* in view of *Milliken* fails to disclose, teach, or suggest all of the elements of claims 16 – 17 and 33 – 34. More specifically, dependent claims 16 – 17 are believed to be allowable for at least the reason that these claims depend from and include the elements of allowable independent claim 6. Further, dependent claims 33 – 34 are believed to be allowable for at least the reason that they depend from and include the elements of allowable independent claim 32. *In re Fine, Minnesota Mining and Mfg.Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

J. **Claims 11 – 14, 19 – 22, 26 – 29, and 35 – 38 are Allowable Over *Shipp* in view of *Milliken* further in view of *Gordon* and *Sahami***

The Office Action indicates that claims 11 – 14, 19 – 22, 26 – 29, and 35 – 38 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Publication Number 2004/0093384 ("*Shipp*") in view of U.S. Patent Publication Number 2004/0073617 ("*Milliken*") further in view of U.S. Patent Number 6,732,157 ("*Gordon*"), and A Bayesian Approach to Filtering Junk E-Mail ("*Sahami*"). Applicants respectfully traverse this rejection for at least the reason that *Shipp* in view of *Milliken* further in view of *Gordon* and *Sahami* fails to disclose, teach, or suggest all of the elements of claims 11 – 14, 19 – 22, 26 – 29, and 35 – 38. More specifically, dependent claims 11 – 14 and 19 – 22 are believed to be allowable for at least the reason that these claims depend from and include the elements of allowable independent claim 6. Dependent claims 26 – 29 are believed to be allowable for at least the reason that they depend from and include the elements of allowable independent claim 25. Dependent claims 35 – 38 are believed to be allowable for at least the reason that they depend from and include the elements of allowable independent claim 32. *In re Fine, Minnesota Mining and Mfg.Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

IV.   **<u>New Claim 39 is Allowable</u>**

In addition, Applicants add new claim 39. New claim 39 is allowable for at least the

reason that this claim depends from allowable independent claim 1. *In re Fine*, *Minnesota*

Mining and Mfg.Co. v. Chemque, Inc., 303 F.3d 1294, 1299 (Fed. Cir. 2002).

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, all objections and/or rejections have been traversed, rendered moot, and/or addressed, and that the now pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested.

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and Official Notice, or statements interpreted similarly, should not be considered well-known for the particular and specific reasons that the claimed combinations are too complex to support such conclusions and because the Office Action does not include specific findings predicated on sound technical and scientific reasoning to support such conclusions.

If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,

_____/afb/_____
Anthony F. Bonner Jr. Reg. No. 55,012

THOMAS, KAYDEN,
  HORSTEMEYER & RISLEY, L.L.P.
Suite 1500
600 Galleria Parkway N.W.
Atlanta, Georgia 30339
(770) 933-9500
Customer No.: **38823**